

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D02-0807-PL-029256

STATE OF INDIANA,)

Plaintiff,)

v.)

BRIAN S. HESSLER, individually)
and doing business as)
GREAT BUSINESS)
OPPORTUNITIES, LLC)

Defendant.)

FILED



JAN 02 2009

Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

AFFIDAVIT SUPPORTING REQUEST FOR ATTORNEY FEES

Tammy Somers affirms and states as follows:

1. The Affiant is counsel for the Plaintiff, State of Indiana, in the above cause of action.
2. The Affiant kept detailed records of the work she did for the Plaintiff with respect to this cause and the time spent on each task.
3. Reviewing the records that affiant prepared, the affiant compiled the following summary of her work relating to this cause of action:

| <u>DATE</u> | <u>DESCRIPTION OF ACTIVITY</u> | <u>HOURS</u> |
|-------------|-------------------------------------|--------------|
| 10/30/08 | Reviewed consumer files | 0.7 |
| 12/10/08 | Called Consumer Hayworth | 0.1 |
| 12/20/08 | Drafted Motion for Summary Judgment | 0.2 |
| 12/20/08 | Drafted Memorandum in Support | 2.8 |
| 12/22/08 | Memo to File | <u>0.1</u> |
| | TOTAL: | 3.9 |

4. In addition, Deputy Attorney General Amber Degenhart performed the following work relating to this matter:

| <u>DATE</u> | <u>DESCRIPTION OF ACTIVITY</u> | <u>HOURS</u> |
|---------------|---|--------------|
| 6/3/08 | Reviewed file | 1.1 |
| 6/3/08 | Sent out new copy of AVC | 0.1 |
| 6/19/08 | Phone call with Defendant | 0.2 |
| 7/01/08 | Prepared Complaint | 1.2 |
| 7/29/08 | Reviewed Defendant's Motion to Dismiss | 0.6 |
| 7/29/08 | Reviewed Defendant's Counterclaim | 0.5 |
| 8/15/08 | Prepared Memo in Opp. to Dismissal | 1.3 |
| 8/11/08 | Prepared Answer | 0.4 |
| 8/29/08 | Prepared Motion to Set Hearing | 0.2 |
| 9/25/08 | Reviewed Defendant's Response | 0.2 |
| 9/25/08 | Reviewed Defendant's Motions | 0.3 |
| 9/29/08 | Prepared Opposition to Motion to Compel | 0.2 |
| 9/28/08 | Prepared for Hearing | <u>2.0</u> |
| TOTAL: | | 8.3 |

5. The Plaintiff is entitled to an award of costs incurred in the investigation and prosecution of this action pursuant to Indiana Code § 24-5-0.5-4(c)(3).

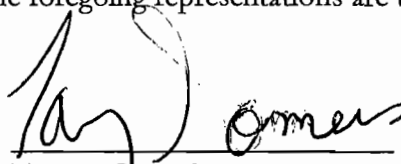
6. The Affiant has been engaged in the practice of law for less than one (1) year with the Indiana Attorney General's Office (previously employed for approximately five (5) years with the Lake County Prosecutor's Office and 3 years as Magistrate Judge in Lake County, Indiana), and a reasonable attorney fee for the work Affiant has performed during the investigation and prosecution of this action is One Hundred Dollars (\$100.00) per hour, for a total attorney's fee of Three Hundred and Ninety (\$390.00). During the time Deputy Attorney General Amber Degenhart worked on this matter, she had been in the practice of civil law for approximately (1) year. Thus, a reasonable attorney fee for the work she performed during the investigation and prosecution of this action is One Hundred Dollars (\$100.00) per hour, for a total attorney's fee of Eight Hundred and Thirty Dollars (\$830.00).

7. The Plaintiff is entitled to an award of costs incurred in the investigation and prosecution of this action, pursuant to Indiana Code § 24-5-0.5-4(g), in the amount of Twelve Hundred Twenty Dollars (\$1,220.00).

8. All of the above statements are within affiant's personal knowledge.

FURTHER AFFIANT SAYETH NOT.

I affirm, under the penalties of perjury, that the foregoing representations are true.

A handwritten signature in black ink, appearing to read "Tammy Somers", written over a horizontal line.

Tammy Somers

Deputy Attorney General

Attorney No.

Office of the Attorney General

Indiana Government Center South

302 West Washington Street, 5th Floor

Indianapolis, IN 46204